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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DANNIE RAY HILLHOUSE,

12 Petitioner,

13 v.

14 TRAVIS PENNINGTON,

15 Respondent.
16

No. 2:03-CV-0142-MCE-DMC

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, brings this petition
18 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court are the
19 following unopposed motions: (1) Petitioner's motion to substitute respondent following
20 Petitioner's transfer to the California Institute for Men, ECF No. 307; and (2) Petitioner's motion
21 for a 45-day extension of time to file Petitioner's merits brief, ECF No. 306.

22 Good cause appearing therefor, Petitioner's motion to substitute will be granted.
23 See Rumsfeld v. Padilla, 542 U.S. 426, 434 (2004) (the proper respondent in a federal habeas case
24 is the person who has custody of the petitioner); see also 28 U.S.C. § 2242; Rule 2(a), Rules
25 Governing Section 2254 Cases in the United States District Courts.

26 Good cause also appearing therefor, Petitioner's motion for an extension of time to
27 file Petitioner's merits brief will be granted.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Petitioner's motion to substitute, ECF No. 307, is GRANTED.
2. The Clerk of the Court is directed to substitute Travis Pennington for the current respondent in this case, as reflected in the caption above.
3. Petitioner's motion for an extension of time, ECF No. 306, is GRANTED.
4. Petitioner's merits briefing is due by July 29, 2024.
5. The due dates for Respondent's briefing and Petitioner's reply are extended by 45 days.

Dated: June 18, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE